

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 19 Aug. 2004. Responsive to the suggestions made by the Examiner, the Claims have been amended according to the Examiner's suggestions to advance prosecution, and it is believed to have further clarified Applicant's invention for this Patent Application.

Specification

The Examiner objected to the Specification because the last line on page 5 had the typo "vericalvertical". The Specification has been amended to simply read "vertical."

Rejection under 35 U.S.C. § 112

In the Official Action of 08/23/2004 the Examiner rejected claims 1-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention,

Claim 1, line 4 read "the bottommost holder" and Examiner stated that it lacked proper antecedent basis. Claim 1 has been amended to read "a shaft assembly arranged in the adapting part of the a bottommost one of the holder body bodies" thereby removing the Examiner's objection.

In Claim 6, the Examiner states that it is not clear what is meant by "...through a top portion...receiving part." Claim 6 has been amended to read "The document holder of claim 1, wherein the shaft assembly has a receiving part formed at a bottom thereof in the vertical direction for

~~enabling the document holder to mount pivotally connecting on a fastener through a top portion of the fastener pivotally connects to the receiving part.~~ The offending matter has been removed and the claim has been clarified, thereby removing the Examiner's rejection.

Rejections under 35 U.S.C. § 102

Claims 1-2 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Dirkx (3,498,471), and claim 6 has been rejected under 35 U.S.C. § 103(a) as being obvious over Dirks in view of the Yang (6,648,390).

To more easily understand the present invention, a newly amended independent Claim 1 now more clearly recites a document holder comprising a plurality of holder bodies (1) mounted to one another in a vertical direction, a shaft assembly (2) arranged in the adapting part of a bottommost one of the holder bodies (1), and a plurality of pivot modules (3) respectively connecting to the holder bodies (1) except the bottommost one. Each of the holder bodies (1) has an adapting part (10), which has a recess (101) formed on a rear thereof. The shaft assembly (2) has a first pivot part (20) formed on a top thereof in the vertical direction and a first supporting arm (23) accommodated in the recess (101) of the bottommost one of the holder bodies (101). Each of the pivot modules (3) has a second pivot part (30) at a top thereof and a matching part (31) at a bottom thereof in the vertical direction, and a second supporting arm (33) accommodated in the respective recess. The first pivot part (20) of the shaft assembly (2) and the second pivot part (20) of each pivot module (2) pivotally connects to the matching part (31) of a neighbor one of the pivot modules (3), so as to form a vertical pivot shaft for enabling the holder

bodies (1) to rotate in a horizontal direction.

The Dirkx reference discloses a document holder comprising a plurality of holder bodies (1-4) having an adapter part (8) and the holder bodies being mounted to one another in a vertical direction (as seen in Fig. 8); a shaft assembly (5) arranged in the adapting part of the bottommost holder body (as seen in Fig. 1), the shaft assembly having a first pivot part formed on a top (as seen in Fig. 1); and a plurality of pivot modules connecting the holder bodies (6), the pivot module having a second pivot part at a top and a matching part at a bottom (as seen in Fig. 8).

Dirkx never discloses an adapting part (10), which has a recess (101) formed on a rear thereof nor does it disclose accommodations between the holder bodies, the shaft assembly and the pivot modules, such as the recess, or the first and a second supporting arms. According to the MPEP, and Under 102 "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Dirkx does not disclose every element of the present invention.

Rejections under 35 U.S.C. § 103(a)

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being obvious over Dirks in view of the Yang (6,648,390). The Examiner states that Yang discloses a single-stack tool rack comprising a plurality of holder bodies and a shaft assembly with a receiving part formed at a bottom thereof. Claim 6 has been amended to read "The document holder of claim 1, wherein the shaft assembly has a receiving part formed at a bottom thereof in the vertical direction for enabling the document holder to mount pivotaly connecting

~~on to a fastener through a top portion of the fastener pivotally connects to the receiving part.~~ The receiving part in Yang is only for securing the swivel portions to the base. Claim 6 of the present invention, however, is directed to a fastener that is designed to be attached to a desk (see figs. 5 and 6). The purpose of the receiving part of Claim 6 is to receive the shaft assembly and then to connect to the fastener portion. Yang discloses only a receiver to receive the shaft portion; not for attachment to anything else. In fact, one of the advantages of the Yang invention is that it is mobile and is easy to carry from one place to another. Therefore, because Yang is directed to a mobile item, it would not have been obvious to combine Yang with Dirkx to arrive at a receiving portion that attaches the shaft assembly to a fastener to secure the holder in place.

Allowable Subject Matter

The Examiner is thanked for the recognition of allowable subject matter in claims 3-5. The Examiner states that Claims 3-5 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Claims 3-5 are directed to a recess formed at an outer surface of the rear plate. The recess described and allowed by the Examiner is not shown in Dirkx nor is it shown or described in Yang. The Yang reference discloses a single-stack tool rack comprising a plurality of holder bodies (20) and a shaft assembly (13) having a receiving part (60) formed at a bottom thereof (as seen in Fig. 1). Even under the base of the Dirkx reference taken in combination with the Yang reference the prior disclosure fails to teach the

accommodations between the holder bodies, the shaft assembly and the pivot modules such as a recess, a first supporting arm, and a second supporting arm, which are the subject matters allowed by the Examiner. Applicant has amended Claim 1 to incorporate the limitation of the recess and therefore Claim 1 and all subsequent Claims should now be allowable.

Therefore, it is now believed that the subject Patent Application has been placed in condition for allowance and such action is respectfully requested.

CONCLUSION

Applicant has complied with all Examiner recommendations and believes that all currently pending claims are now in proper form and are in condition for allowance. No new matter has been added.

Should the examiner believe further discussion regarding the above claimed language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

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